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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,571	04/07/2000	Rajeev Chawla	06502.0177	1838

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EXAMINER	
FERRIS, DERRICK W	

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/545,571	CHAWLA ET AL.	
	Examiner	Art Unit	
	Derrick W. Ferris	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46,48-56,58-66,68-76 and 78-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *41-46,48-56,58-66,68-76 and 78-80* is/are allowed.

6)☒ Claim(s) *1-6,8-16,18-26,28-36 and 38-40* is/are rejected.

7)☒ Claim(s) *7,17,27 and 37* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. This Office action is in response to applicant's paper filed 11/29/2004.

2. **Claims 1-46, 48-56, 58-66, 68-76, and 78-80** as amended are still in consideration for this application. Applicant has amended claims 1,7, 11, 17, 21, 27, 31, and 37.

3. Examiner does **not withdraw** the obviousness rejection to *Templin* in view of *Aviani*, and *Templin* in view of *Aviani* and in further view of *Coile* for Office action filed 07/27/2004. At issue are the following limitations:

"determining a destination address corresponding to the destination *based on the client address*" and

"determining a client address corresponding to the client *based on the destination address*".

Based on applicant's admission in the footnote on page 31 of Applicant's remarks filed 11/29/2004, applicant argues limitations that are not recited in the claims. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a connection between a router 16 and a proxy server 14 that specifically include packet 212 as referenced in applicant's figure 12) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In particular, note with respect to the limitation "determining a destination address corresponding to the destination based on *the* client address" that the antecedent basis references a first packet 210 with respect to the limitation

"receiving a first packet *from the client* including data and *a client address* corresponding to the client" and not an intermediate packet 212 for which applicant argues (i.e., the proxy server uses the packet's 212 client address and not the packet's client 210 address). As such, it is unclear what applicant appears to argue since applicant references a first packet as packet 210 and a second packet as 214. As such, note that applicant's figure 12 teaches the source address "client" changes to "proxy server" while the destination address "orign.server" remains the same. As such, see e.g., figure 5 of *Templin* where the source address "A" changes to "B" while the destination address "C" remains the same. As such, the above limitations are implicitly taught by the reference (note that the implicit teachings are the same as applicant since applicant does not claim a proxy server 14). Stated another way, applicant cannot argue that by determining applicant really means using a client address found in an intermediate packet 212 because applicant does not recite the above limitation. In fact, applicant *teaches away* from packet 214 as the second claimed packet since no proxy server is recited in the claim and the first packet is sent *from the client* such that the destination address would never be changed from origin.server (packet 210) to proxy-server (packet 212) back to origin.server (packet 214) based on the claims as recited. Assuming, the implicit reference is unclear examiner notes that above obviousness rejection as well. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1, 3-6, 9-10, 11, 13-16, 19-20, 21, 23-26, 29-30, 31, 33-36, and 39-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,781,550 A to *Templin et al.* to ("*Templin*") in view of U.S. Patent No. 6,532,493 B1 to *Aviani, Jr. et al.* ("*Aviani*").

As to **claim 1**, *Templin* discloses a transparent and secure gateway (i.e., transparent proxy) shown as e.g., gateway B in figure 5. With respect to the limitations, establishing a first and second sessions are taught at e.g., column 8, lines 24-36. Receiving a first packet is shown in figure 5 for packet 501. A second packet is created shown as packet 502 where the second packet is sent using the destination address (e.g., see column 7, lines 23-31). A response is received as packet 503 in figure 5. A further step of determining a client address based on the destination address and sending a response back to the client is shown as packet 504.

Templin may be silent or deficient to the further limitation determining a destination address corresponding to the destination based on the client. Examiner notes given a reasonable but broad interpretation "determined" *Templin* does teach determining a destination address (e.g., when the destination address C used in the example since the determined destination is based on the client packet/address). In particular, see column 7,

lines 23-30 and column 8, lines 9-13 of *Templin*. For example, an address may be determined based on whether a session is already established or not. Assuming, arguendo, that "determining" is not clearly taught by *Templin* then examiner notes the obviousness rejection as follows.

Aviani teaches the further recited limitation above at e.g., column 6, line 1 – column 7, line 16.

Examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include determining a destination address corresponding to the destination based on the client address. In particular, one would be motivated to determine an address based on whether a previous connection/session is established. The suggestion or motivation for doing so would have been whether there is information already found in the cache. In particular, *Aviani* cures the above-cited deficiency by providing a motivation found at e.g., column 6, lines 1-5; column 6, lines 37-50 and column 6, line 64 – column 7, line 16.

As to **claim 3**, see e.g., figure 5 of *Templin*.

As to **claim 4**, see e.g., *Aviani* column 6, line 1 – column 7, line 16.

As to **claim 5**, see e.g., *Templin* column 6 and column 8.

As to **claim 6**, see e.g., figure 5 and column 8, lines 39-63 of *Templin*.

As to **claims 9-10**, see column 5, line 53- column 6, line 4 of *Aviani*.

As to **claim 11**, see similar rejection for claim 1.

As to **claim 13**, see similar rejection for claim 3.

As to **claim 14**, see similar rejection for claim 4.

As to **claim 15**, see similar rejection for claim 5.

As to **claim 16**, see similar rejection for claim 6.

As to **claim 19**, see similar rejection for claim 9.

As to **claim 20**, see similar rejection for claim 10.

As to **claim 21**, see similar rejection for claim 1.

As to **claim 23**, see similar rejection for claim 3.

As to **claim 24**, see similar rejection for claim 4.

As to **claim 25**, see similar rejection for claim 5.

As to **claim 26**, see similar rejection for claim 6.

As to **claim 29**, see similar rejection for claim 9.

As to **claim 30**, see similar rejection for claim 10.

As to **claim 31**, see similar rejection for claim 1.

As to **claim 33**, see similar rejection for claim 3.

As to **claim 34**, see similar rejection for claim 4.

As to **claim 35**, see similar rejection for claim 5.

As to **claim 36**, see similar rejection for claim 6.

As to **claim 39**, see similar rejection for claim 9.

As to **claim 40**, see similar rejection for claim 10.

6. **Claims 2, 8, 12, 18, 22, 28, 32, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,781,550 A to *Templin et al.* to ("*Templin*") in view of U.S. Patent No. 6,532,493 B1 to *Aviani, Jr. et al.* ("*Aviani*") in further view of U.S. Patent No. 6,473,406 B1 to *Coile et al.* ("*Coile*").

As to **claim 2**, a step of intercepting may not be clearly taught by *Templin* in reference to a first and second type. In particular, see column 5, lines 9-24 and column 6, lines 10-67 of *Templin*.

Coile teaches the further recited limitation above at e.g., column 8, line 10 – 22. Examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include forwarding the first packet to the destination if the destination is a first type and performing the steps of determining a destination address, creating a second packet, and sending the second packet if the destination is a second type. In particular, one would be motivated to determine the type of a packet to see if a session has been previously established or to see if the packet belongs on a specific network. In particular, *Coile* cures the above-cited deficiency by providing a motivation found at column 8, line 10 – 22 and column 8, lines 64-66.

As to **claim 8**, *Templin* may be silent or deficient to the further step of storing the address of an intermediate destination in a destination field when the client communication is not a connection setup request.

Coile teaches the further recited limitation above at e.g., column 8, line 10 – 22 and column 9, lines 34-67. Examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include a step of storing the address of an intermediate destination in a destination field when the client communication is not a connection setup request. In particular, one would be motivated to store a connection to further expedite the handling of a packet. In particular, *Coile* cures the above-cited

deficiency by providing a motivation found at column 8, line 10 – 22 and column 9, lines 34-67.

As to **claim 12**, see similar rejection for claim 3.

As to **claim 18**, see similar rejection for claim 8.

As to **claim 22**, see similar rejection for claim 3.

As to **claim 28**, see similar rejection for claim 8.

As to **claim 32**, see similar rejection for claim 3.

As to **claim 38**, see similar rejection for claim 8.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

DWF

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SUPERVISORY PATENT EXAMINE
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4/29/05